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CITY OF LODI
REGULAR CITY COUNCIL MEETING
CARNEGIE FORUM, 305 WEST PINE STREET
WEDNESDAY, OCTOBER 6, 1993
7:00 P.M.

1. ROLL CALL

Present: Council Members - Davenport, Mann, Sieglock, Snider, and Pennino (Mayor)

Absent: Council Members - None

Also Present: City Manager Peterson, Assistant City Manager Glenn, Community Development Director Schroeder, Public Works Director Ronsko, City Attorney McNatt, and City Clerk Perrin

2. INVOCATION

The invocation was given by Pastor Bob Mattheis, St. Paul's Lutheran Church.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Mayor Pennino.

4. AWARDS/PROCLAMATIONS/PRESENTATIONS

a) Mayor Pennino presented an award to David Bargas, winner of the Mayor's Choice Award for Young Renaissance Art Show.

b) Mayor Pennino presented to Hans Hansen of the City of Lodi Electric Utility Department a proclamation for "Public Power Week", October 3 - 9, 1993.
FILE NO. CC-37

c) Police Chief Hansen gave a report on the Police Department's Telephone Reporting Unit. Chief Hansen informed the public that a public meeting had been held on October 4, 1993 to inform citizens of this new program; however, no one from the public attended. Therefore, another public meeting will be scheduled in the near future.
FILE NO. CC-152

d) Scott Essin and Mayor Pennino presented the keys to Hale Park to Virginia Snyder and Saleem Khan of the Lodi East Side Improvement Committee as the first group to officially adopt a park.
FILE NO. CC-2(s) AND CC-27(c)

5. PORTION OF MEETING MOVED TO THE END OF THE AGENDA

The City Council, on motion of Council Member Snider, Mann second, voted to move discussion and action of agenda items E (Consent Calendar), F (Comments by the Council), G (Comments by the public on non-agenda items), and I (Communications) to the end of the agenda by the following vote:

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Ayes: Council Members - Mann, Sieglock and Snider
Noes: Council Members - Davenport and Pennino (Mayor)
Absent: Council Members - None

Council Member Davenport questioned whether or not this could be done, and the City Attorney responded that the Lodi Municipal Code does allow for this.

6. PUBLIC HEARINGS

- a) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pennino called for the Public Hearing to consider appeal from Marlo Kerner & Associates regarding the Planning Commission's denial of its request to amend P-D(21), Planned Development District No. 21 (Lakeshore Village), by modifying the permitted uses to allow a restaurant with a cocktail lounge at 1750 West Kettleman Lane (APN 058-160-86).

This appeal had been withdrawn by the appellant; therefore, there was no need to take action on this matter.
FILE NO. CC-53(b)

- b) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pennino called for the Public Hearing to consider Resolution/Order to vacate the alley west of Washington Street, from East Vine Street to 150.3 feet north of East Vine Street.

Assistant City Manager Glenn informed the City Council that he has half ownership of a property across the street from the area; however, he has no interest whatsoever in the matter.

Hearing opened to the public

1. Bill Hrovat, 1556 Iris Drive, Lodi, and owner of property at 235 East Vine Street (opposed);
2. Jerry DeYoung, Deacon at the Providence Reformed Church, 245 East Vine Street, Lodi (support);
3. Frank Alegre, 2000 Edgewood Drive, Lodi, suggested that the legal owner be determined before anything is done with the property.

Public portion of the hearing closed

ACTION:

The City Council, on motion of Council Member Mann, Snider second, unanimously continued the public hearing regarding Resolution/Order to vacate the alley west of Washington Street, from East Vine Street to 150.3 feet north of East Vine Street to October 20, 1993 so that a possible solution may be reached, and further directed that a title search be done on the property.

FILE NO. CC-45(a) AND CC-52(a)

- c) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pennino called for the Public Hearing to consider Resolution/Order to vacate the alley north of East Lodi Avenue, from Cherokee Lane to 280 feet west of Cherokee Lane to October 20, 1993.

The Planning Commission was scheduled to hear this matter at its meeting of September 27, 1993; however, due to certain circumstances, it continued discussion of this matter to its next meeting of October 11, 1993.

ACTION:

The City Council, on motion of Council Member Snider, Mann second, unanimously continued the public hearing to consider Resolution/Order to vacate the alley north of East Lodi Avenue, from Cherokee Lane to 280 feet west of Cherokee Lane to October 20, 1993.

FILE NO. CC-45(a) AND CC-52(a)

- d) Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Pennino called for the Public Hearing to consider the Planning Commission's recommendation for the 1993 Growth Management Allocations.

Hearing opened to the public

1. Jeff Kirst, 109 River Meadows Drive, Lodi (support); and
2. Steve Pechin, 323 West Elm Street, Lodi (support).

Public portion of hearing closed

ACTION:

The City Council, on motion of Council Member Snider, Sieglock second, approved the Planning Commission's recommendation to approve the Building Permit Allocation Schedule for 1993 by the following vote:

Ayes: Council Members - Mann, Sieglock, Snider and Pennino
(Mayor)
Noes: Council Members - Davenport
Absent: Council Members - None

FILE NO. CC-35(b)

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7. REGULAR CALENDAR

- a) The City Council, on motion of Council Member Mann, Sieglock second, unanimously approved the specifications and advertisement for bids for a replacement City-monitored Silent Alarm System as presented with the understanding that staff meet with the proponents to concur on the specifications. Further, the City Attorney was directed to draft a hold harmless agreement.

Speaking on the matter were the following persons:

- a) Dave Rice, 10 North School Street, Lodi, expressed concerns with the specifications; however, he supported the matter; and
- b) Paul Alamo, Alamo Alarm Company, (opposed); and
- c) A letter was read by the City Clerk from Steven R. Bosserman, Co-owner, Al's Wheel and Brake Service, expressing concerns with the specifications.
FILE NO. CC-6 AND CC-152

8. RECESS

Mayor Pennino called for a ten-minute recess and the City Council meeting reconvened at approximately 9:24 p.m.

9. CONTINUATION WITH REGULAR CALENDAR

- a) The City Council, on motion of Council Member Sieglock, Davenport second, unanimously amended the scope of the Gang Alternative Project's (GAP) \$5,000 allocation to include proficiency testing costs, transportation costs, workshop speaker fees, and other educational resources for low to moderate income at-risk youth.
FILE NO. CC-2(q) AND CC-55
- b) The City Council, on motion of Council Member Mann, Davenport second, unanimously introduced Ordinance No. 1588 prohibiting loitering by minors during certain hours.

Speaking on the matter were the following persons:

1. Frank Alegre, 2000 Edgewood Drive, Lodi, suggested that the ordinance address fines against the parents;
2. Rita Rott, 932 Sylvia Drive, Lodi, also addressed the issuance of fines;

3. Terry Wisdom, 19690 Highway 99, Acampo, expressed his feelings that parents should not be responsible for kids in the 15 - 18 year range, because at that age they are responsible for their own actions;
 4. Judy Lee, 520 East Locust, Lodi, questioned how long it would take for the ordinance to go into effect; and
 5. Virginia Lahr, 311 East Elm Street, Lodi, expressed her full support.
FILE NO. CC-6, CC-149 AND CC-188
- c) Regarding the matter of the pushcart vendor's ordinance and request from Bone Cuisine A La Carte to operate a hot dog cart on the School Street sidewalk fronting the Post Office, the City Council, on motion of Council Member Sieglock, Mann second, unanimously approved a trial permit to Bone Cuisine A La Carte for one year in the area of the Post Office, not to conflict with the Lodi District Chamber of Commerce Street Faire, which is held twice a year. Further, the City Attorney is to investigate the pushcart vendor's ordinance and bring it back to the City Council at a future date.
- Speaking on the matter were the following persons:
1. Les Dabritz, Executive Director, Lodi District Chamber of Commerce, expressed concerns about Mr. Fugazi's operation conflicting with its Street Faire (support);
 2. Frank Alegre, 2000 Edgewood Drive, Lodi, suggested that Council allow these types of operations in front of federal buildings and not restaurants which would compete with the existing restaurants (support); and
 3. Lou Fugazi, 925 Greenwood Drive, Lodi, requested that he be given a one-year trial permit instead of six months, due to upcoming winter months (support).
FILE NO. CC-6, CC-149 AND CC-500
- d) Agenda item #J-5 entitled, "Graffiti Abatement Program proposal" was pulled from the agenda pursuant to the request of Dennis Cochran who originally requested that this matter be put on the agenda.
- e) The City Council, on motion of Council Member Sieglock, Snider second, unanimously adopted Resolution No. 93-128 authorizing the City of Lodi to purchase office supplies under the terms of the contract between San Joaquin County and Eastman, Inc.
FILE NO. CC-47 AND CC-300
- f) The City Council, on motion of Mayor Pennino, Snider second, unanimously adopted Resolution No. 93-126 renaming the swimming pool at Blakely Park the "Enze/Field Swim Complex".
FILE NO. CC-27(c) AND CC-300

Continued October 6, 1993

- g) The City Council, on motion of Council Member Snider, Sieglock second, approved the renewal of the leases for agricultural land at the City's White Slough Water Pollution Control Facility (WSWPCF) and directed the City Manager and the City Clerk to execute them on behalf of the City by the following vote:

Ayes: Council Members - Mann, Sieglock, Snider and Pennino (Mayor)
Noes: Council Members - Davenport
Absent: Council Members - None

FILE NO. CC-90 AND CC-51(f)

- h) The City Council, on motion of Council Member Mann, Snider second, adopted Resolution No. 93-127 approving the reclassification of Administrative Clerk II to Risk Manager Technician and approving the salary range by the following vote:

Ayes: Council Members - Mann, Sieglock, Snider and Pennino (Mayor)
Noes: Council Members - Davenport
Absent: Council Members - None

Speaking against the matter was Frank Alegre, 2000 Edgewood Drive, Lodi.

FILE NO. CC-34 AND CC-300

10. MEETING TO CONTINUE FOLLOWING THE 11 P.M. HOUR

Pursuant to Ordinance No. 1566, the City Council, on motion of Council Member Davenport, Pennino second, determined it would continue with the remainder of the meeting following the 11 p.m. hour by the following vote:

Ayes: Council Members - Davenport, Sieglock, Snider and Pennino (Mayor)
Noes: Council Members - Mann
Absent: Council Members - None

11. RECESS

Mayor Pennino called for a ten-minute recess and the City Council meeting reconvened at approximately 11:14 p.m.

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12. CONSENT CALENDAR

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Pennino, Snider second, unanimously approved the following items hereinafter set forth except those otherwise specified.

- a) Claims were approved in the amount of \$4,523,704.60.
FILE NO. CC-21(a)

- b) The Minutes of September 8, 1993 (Special Joint Meeting with the Lodi Planning Commission) and September 15, 1993 (Regular Meeting) were approved as written.
- c) Report was given to the City Council regarding the sale of scrap wire and metal to the high bidder, B & G Machinery of Lodi in the amount of \$1,133.84.
FILE NO. CC-47
- d) Approved specifications for the purchase of one 1200 KVAR capacitor bank and four controllers and authorized the advertising of said bids.
FILE NO. CC-12.1(b)
- e) Agenda item #E-5 entitled, "Specifications and advertisement for bids for 12,000-gallon portable water tank" was removed from the Consent Calendar and discussed and acted upon following the adoption of the Consent Calendar. (Removed by Council Member Davenport.)
- f) Accepted the improvements under the "Anderson Avenue Street Improvements, 150' N/Swain Drive to 200' N/Swain Drive" contract, and directed the Public Works Director to file a Notice of Completion with the County Recorder's office.
FILE NO. CC-90
- g) Agenda item #E-7 entitled, "Contract Change Order - Asphalt Pavement Overlays, Tokay Street, Church Street to Fairmont Avenue, and Houston Lane, Pine Street to Victor Road" was removed from the Consent Calendar and discussed and acted upon following the adoption of the Consent Calendar. (Removed by Council Member Davenport.)
- h) Adopted Resolution No. 93-120 awarding the contract for Lane Line Painting, Various Street, 1993, contract to Traffic Limited of Lodi in the amount of \$20,747.83.
FILE NO. CC-12(a) AND CC-300
- i) Adopted Resolution No. 93-121 approving the installation of a 365-foot "no parking" zone on the west side of Stockton Street at Donner Drive.
FILE NO. CC-48(e) AND CC-300
- j) Adopted Resolution No. 93-122 approving the Lodi Lake special event gate fees of \$3.00 per vehicle.
FILE NO. CC-27(c), CC-56 AND CC-300
- k) Adopted Resolution No. 93-123 approving application for the State of California Wildlife Conservation Fund, monies for reconstruction of the Mokelumne River levee in the area of Pigs Lake.
FILE NO. CC-27(c) AND CC-300
- l) Agenda item #E-12 entitled, "Approve agreements with Great Western Bank for City of Lodi's Deferred Compensation Plan" was pulled from the agenda pursuant to staff's request.
- m) Adopted Resolution No. 93-125 approving the class specification and salary range for Deputy City Attorney.
FILE NO. CC-34 AND CC-300

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- n) Authorized David M. Griffith and Associated, Ltd. (DMG) to prepare the City of Lodi's SB90 claims, and authorized the City Manager to execute the Agreement with DMG.
FILE NO. CC-21(a) AND CC-90
- o) Agenda item #E-15 entitled, "Purchase of one Riso Digital Copier/Duplicator for Recreation Department" was removed from the Consent Calendar and discussed and acted upon following adoption of the Consent Calendar. (Removed by Council Member Davenport.)
- p) Set public hearing for November 3, 1993 to consider the Capital Improvement Program.
FILE NO. CC-6 AND CC-15

12. ACTION ON ITEMS REMOVED FROM THE CONSENT CALENDAR

- a) The City Council, on motion of Council Member Sieglock, Snider second, unanimously denied the request for specifications and advertisement for bids for 12,000-gallon portable water tank and directed staff to take a look at other options.

Speaking on the matter was Frank Alegre, 2000 Edgewood Drive, Lodi.
FILE NO. CC-12.1(b)

- b) The City Council, on motion of Council Member Davenport, Sieglock second, unanimously received Contract Change Order - Asphalt Pavement Overlays, Tokay Street, Church Street to Fairmont Avenue, and Houston Lane, Pine Street to Victor Road.
FILE NO. CC-90

- c) The City Council, on motion of Council Member Snider, Sieglock second, unanimously adopted Resolution No. 93-124 approving the purchase of one Riso Digital Copier/Duplicator from the sole supplier, Riso Products of Sacramento, at a cost of \$9,493.85.

Speaking on the matter were the following persons:

1. Frank Alegre, 2000 Edgewood Drive, Lodi, posed questions regarding the warranty; and
2. Terry Wisdom, 19690 Highway 99, Acampo, questioned what will be done with the other copier in the Parks and Recreation Department.
FILE NO. CC-47, CC-90 AND CC-300

13. COMMENTS BY CITY COUNCIL MEMBERS ON NON-AGENDA ITEMS

- a) Mayor Pennino read a prepared statement regarding an incident which took place on October 1, 1993 of a Council member entering the "City Manager's office in his absence and without his consent, with a camera and a tape recorder for the obvious purpose of confrontation". Further, the City Council, on motion of Mayor

Pennino, Mann second, directed the City Attorney to research policies and rules for Council conduct and to return to the City Council with information for discussion and possible action by the following vote:

Ayes: Council Members - Mann, Sieglock, Snider and Pennino (Mayor)
Noes: Council Members - Davenport
Absent: Council Members - None

Council Member Davenport expressed his opposition to the subject motion and vote.

Council Member Davenport responded that the statement read by Mayor Pennino was not true and proceeded to explain what transpired. Further, Mr. Davenport asked Mayor Pennino to read the letter he sent him regarding his concern of his and his family's safety. Mr. Pennino replied that he had turned the letter over to the Police Department and that he would not read the letter. Mr. Davenport, therefore, read the letter to the public which addressed areas of concern by Mr. Davenport for his and his family's safety.
FILE NO. CC-6

- b) Mayor Pennino informed the Council that he had received a letter from Virginia Lahr regarding the property on 220 East Pine Street, Lodi, where the owner is refusing to fix up the property.

1. Virginia Lahr, 311 East Elm Street, Lodi, made a brief comment regarding the problems she is encountering at that property.
FILE NO. CC-16

- c) Council Member Sieglock commented on the following matters: (1) commended the Post Office for restriping the parking lot; (2) commended the Lodi Police Department and Neighborhood Watch for getting groups together in the community to make Lodi better. He recently attended the Neighborhood Watch group on the 400 Block of East Elm Street; (3) informed the public that a letter had been received from Life Medical Industries informing that it had been bought out by American Medical Response. Mr. Sieglock would like to see the ambulance company on a future meeting for an update on the rates and services; and (4) informed the public that the City of Lodi recently had visitors from Kofu, Japan, Lodi's sister city, and at their request the guests were taken bowling. Mr. Sieglock acknowledged Public Works Director Ronsko for his great bowling game.
FILE NO. CC-22(d) AND CC-152

- d) Council Member Mann requested that staff look into putting more signs on the City's roadways/main arterials directing motorists to downtown Lodi.

City Manager Peterson informed the Council that one sign has already been installed.

Further, Council Member Mann acknowledged the passing away of Don Sutherland.
FILE NO. CC-72

- e) Council Member Davenport commented on the following matters: (1) acknowledged that there is still a gang problem, and it needs to be stopped; (2) on October 5, 1993 the City Council had a Shirtsleeve Session regarding the tentative gate fees at the Harney Lane landfill of \$2/ton (if approved by the San Joaquin County Board of Supervisors). Mr. Davenport informed the public that if this passes, California Waste has said that there would be an increase in garbage rates of approximately 0.53¢. Mr. Davenport is still unsure that the rate methodology is offsetting the costs. Also discussed at this Shirtsleeve Session was the new police program called Partners which is similar to S.T.A.R.S. Anyone interested in serving must be over 50 years old and can contact Jeannie Biskup in the Police Department; (3) the City Council has had one Shirtsleeve Session already on the Capital Improvement Program. It has scheduled another session on October 14, 1993 at 7:00 a.m. Mr. Davenport encouraged people to attend and give their input; (4) commended Virgil Wahlen on his retirement from the Lodi Fire Department and Bernell Wichman for coming out number one on the fire captain test; (5) has still not received information regarding the grievances which could possibly show areas of mismanagement; (6) would like to receive a draft of the City of Lodi Personnel Policy Manual and all drafts in the future; however, the City Manager has refused to give him a copy until he had an opportunity to approve it; (7) Mr. Davenport stated that he likes the Planning Commission minutes because it gives more detail on the "flavor of the Planning Commissioners", and he would like to see the City Council minutes prepared that way; (8) concerned about the possible mishandling of employee benefits as is being questioned by the IRS; (9) Mr. Davenport further made brief comments regarding sole bidder, loss of electrician, bidding procedure, and funds in the workers compensation account being "in the hole"; and (10) and Mr. Davenport apologized for the alleged conduct as said by the City Manager and hopes this matter can be resolved.

Council Member Mann made brief comments regarding grievances and felt that just because a grievance was filed, it did not necessarily mean it had merit.

City Manager Peterson informed the Council and the public that the matter regarding the IRS is being looked into, and it appears that the matter may have to do with the reporting by Home Savings and Loan who handled the City's Deferred Compensation Plan back in 1987.

FILE NO. CC-6, CC-15, CC-54 AND CC-152

14. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

- a) Burle Cook, 167 Evelyn Court, Woodbridge, invited the City Council and the public to participate in the first annual "Jack Schierling Memorial Blood Drive" which will take place at Hutchins Street Square on Saturday, October 9, 1993. This is a living memorial in honor of Jake Schierling, a Lodi firefighter, who died of Leukemia on October 7, 1992. Also that day will be the Lodi firefighters pancake breakfast which will be served by Jake's shift.
- FILE NO. CC-6

- b) Virginia Lahr, 311 East Elm Street, Lodi, complained that the public had to wait so long to speak under "Comments by the public" segment of the agenda. Further, Ms. Lahr complained about a property on Pine Street and her disappointment that there has not been much assistance from the City in the area of code enforcement.
FILE NO. CC-16
- c) Jean Davenport, 445 Almond Drive #45, Lodi, responded to the Mayor's earlier comments about his concern for the safety of Mr. Davenport and his family, and she does not feel safe that the Police Department has a copy of Mr. Davenport's letter. Mrs. Davenport further expressed her concern about paying overtime to the staff to attend this evening's meeting and the fact that the public had to wait so long to speak under "Comments by the Public". Mrs. Davenport accused City Manager Peterson of lying about the IRS, saying that he allegedly said something different on a tape recording.
FILE NO. CC-6
- d) Tom Presler, 530 Calaveras Street, Lodi, spoke on behalf of George Newmarch, who could not stay for the remainder of the meeting. Mr. Newmarch complained that he was not notified that the City Manager would be making a presentation on the 911 system at the September 15, 1993 City Council meeting which he had complained about, and felt that the City Manager's action were showing intimidation. Mr. Newmarch's prepared speech continued to say that if the Council wishes to seek reelection it should get rid of the City Manager, and that he may even run for City Council himself.
- Council Member Mann responded that Mr. Newmarch made an allegation in public which was proven to be wrong and it should be refuted in public.
FILE NO. CC-6 AND CC-16
- e) Frank Alegre, 2000 Edgewood Drive, Lodi, also complained about having to wait this long to speak under "Comments by the public". Further, Mr. Alegre commented on the benefits and health insurance for City of Lodi employees, and requested that the City Manager compile information regarding this matter for him. Mr. Alegre also informed the City Council about a health plan that the State of California is using that combines workers compensation.
FILE NO. CC-16 AND CC-34

15. COMMUNICATIONS (CITY CLERK)

- a) On recommendation of the City Attorney and the City's contract administrator, Insurance Consulting Associates, Inc. (ICA), the City Council, on motion of Mayor Pennino, Sieglock second, rejected the following claims and referred them back to ICA:
1. Pacific Bell, date of loss 8/11/93
 2. Andrew Johnstone, date of loss 8/20/93
FILE NO. CC-4(c)

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b) The following report was presented to the City Council:

1. Planning Commission Report of September 27, 1993.
FILE NO. CC-35(c)

c) The City Council, on motion of Mayor Pennino, Davenport second, directed the City Clerk to post for the vacancy on the City of Lodi Deferred Compensation Committee, which was vacated by the retirement of Elsie Temp.
FILE NO. CC-2(a)

16. ORDINANCES

a) Ordinance No. 1586 entitled, "An Ordinance of the City Council of the City of Lodi Repealing and Reenacting Lodi Municipal Code Section 10.56.020(M) as it Relates to Removal of Abandoned Vehicles" having been introduced at a regular meeting of the Lodi City Council held September 15, 1993 was brought up for passage on motion of Council Member Mann, Sieglock second. Second reading of the ordinance was omitted after reading by title, and the ordinance was then adopted and ordered to print by the following vote:

Ayes: Council Members - Davenport, Mann, Sieglock, Snider and
Pennino (Mayor)

Noes: Council Members - None

Absent: Council Members - None

FILE NO. CC-6 AND CC-149

17. CLOSED SESSION

The City Council adjourned to a Closed Session to discuss the following matter:

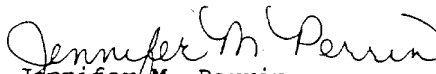
a) Labor Relations

At approximately 1:20 a.m., the City Council meeting reconvened.
FILE NO. CC-200(a)

18. ADJOURNMENT

There being no further business to come before the City Council, Mayor Pennino adjourned the meeting at approximately 1:20 a.m., October 7, 1993.

ATTEST:


Jennifer M. Perrin
City Clerk